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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
JASTRZAB, KRISANNE MARIE	
ART UNIT	**PAPER NUMBER**
1744	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,990	AVRAM, VLAD IORGULESCU	
	Examiner	Art Unit	
	Krisanne Jastrzab	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-17 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-17 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al., in view of White et al., U.S. patent No. 5,653,919 and Monte, Jr. U.S. patent No. 5,508,685.

Murayama et al., teach a system for controlling olfactory stimuli used in conjunction with multimedia events such as films or personal computer games. The system can be connected to a personal computer having a keyboard (column 4, lines63-68). It can also connected to an air conditioner and employ input control based on temperature (see column 6, lines 1-20). The scent may be released in a plurality of configurations including aerosol or thermal release means (column 7, line 10 through column 8, line 5), the thermal release means being inclusive of a heated scroll

mechanism. The system is also configured to account for the humidity of the surrounding environment (column 8, lines 53-64).

White et al., teach the conventionality of humidification of controlled atmospheres utilizing a water mist producer for conditioning thereof.

Monte, Jr. teaches the provision of a water mist and a released scent in modifying an atmosphere in response to a specific stimulus. See column 2, lines 10-20, and lines 55-68, and column 3, lines 1-17.

It would have been obvious to one of ordinary skill to include water mist producing means in the apparatus of Murayama et al., because of the conventionality of providing such means when conditioning an atmosphere as supported by White et al., and because of the recognized compatibility in a controlled, responsive system, of mist production and scent release as demonstrated in Monte, Jr.

Claims 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murayama et al., as applied to claims 1-6 and 8-16 above, and further in view of Bartsch et al., U.S. patent No. 6,581,915 B2.

Bartsch et al., teach the application of any atmosphere modifying agent in a controlled substance generation and release system (see column 6, lines 54-60).

It would have been well within the purview of one of ordinary skill in the art to utilize the system of Murayama et al., for the generation of any atmosphere modifying agent such as an insecticide or antibacterial, as taught in Bartsch et al., because the

system affords an optimal means of delivering and dispersing such agents to atmosphere's requiring treatment.

Response to Arguments

Applicant's arguments filed 10/24/2005 have been fully considered but they are not persuasive.

Applicant argues that Murayama et al., fail to disclose a mist generator and that the combination fails to disclose or suggest substance dispensers activated with selected portions of entertainment presentations, however, the Examiner would disagree and note that Murayama et al., clearly keys in fragrance release corresponding to selected sections of a media presentation and clearly takes into account humidity (as noted above) when doing so, and is properly combinable with White et al., and Monte, Jr., for their art recognized humidification means such as mist generators. The Examiner would further hold that interactive movie experiences are well recognized in the art as supported by McCarthy U.S. patent No. 4, 630,030 issued in 1986, cited as pertinent prior art in this application.

Applicant further argues that Murayama et al., fail to disclose controlling the temperature and humidity along with the scent, however, the Examiner would maintain that it is the combination that is applied. Murayama clearly teaches connection of the scent system into a ventilation system and further teaches correlating the scent to monitored environmental parameters. Both White and Monte, Jr., teach the known and expected control of those environmental parameters.

Finally, Applicant argues that neither Murayama et al., nor Bartsch teach dispensing of substances as claimed in claim 21, however, the Examiner would reiterate that aromatherapy agents would read on "crown control substances" whether they are pleasant, calming scents or obnoxious, dispersing scents.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisanne Jastrzab whose telephone number is 571-272-1279. The examiner can normally be reached on Mon.-Wed. 6:30am-4:00pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Krisanne Jastrzab
Primary Examiner
Art Unit 1744

January 6, 2006